

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Fourth Judicial District Court, County of Missoula

STATE OF MONTANA,)	
)	
Plaintiff,)	
)	CAUSE NO. DC-11-100
-vs-)	
)	DECISION
JENNIFER RAE MESSERLY,)	
)	
Defendant.)	

On June 8, 2017, the District Court revoked the Defendant's suspended sentence for violations of conditions for the offense of Count I: Criminal Endangerment, a felony. The Court sentenced the Defendant to the Department of Corrections for five (5) years, no time suspended. The Court recommended placement in the Elkhorn Treatment Program followed by Pre-Release and/or the Sober Living Program. The Defendant received credit for time served in the amount of 41 days.

On April 6, 2018, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant participated by telephone from the Elkhorn Treatment Center and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that she understood this and stated that she wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is AFFIRMED.

Done in open Court this 6th day of April, 2018.

DATED this 23 day of April, 2018.

SENTENCE REVIEW DIVISION



Hon. Kathy Seeley, Chairperson



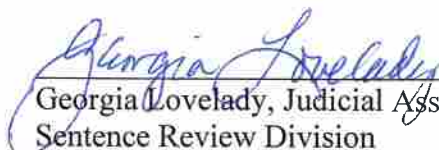
Hon. Brenda Gilbert, Member



Hon. Dan Wilson, Member

Copies mailed this 3rd day
of May, 2018, to:

Clerk of District Court (Original)
Jennifer Rae Messerly #3008567, Defendant (2)
Hon. John Larson
Brent Getty, Defense Counsel
Brian C. Lowney, Esq.
Board of Pardons and Parole
MWP - Records Dept.



Georgia Lovelady, Judicial Assistant
Sentence Review Division